

STATE OF MAINE

BUSINESS AND CONSUMER COURT

Location: Portland

Docket No. BCD-CV-14-11

State of Maine,

Plaintiff

v.

Zealandia Holding Company, Inc., *et al.*,

Defendants.

**ORDER FOR ATTACHMENT AGAINST  
CERTAIN REAL ESTATE AND ON  
TRUSTEE PROCESS AGAINST  
CERTAIN FUNDS OF FESTIVA  
DEVELOPMENT GROUP, LLC**

Upon consideration of Plaintiff State of Maine's (the "State") Consented-to Combined Motion for Attachment against Certain Real Estate and on Trustee Process against Certain Funds of Festiva Development Group, LLC ("FDG"), and the entire record appearing before the Court, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**;

2. Attachment in the amount of \$900,000 against a parcel of real estate owned by FDG, as more particularly described in Exhibit A attached hereto (the "Parcel"), is hereby approved as security for any future judgment the State may obtain against any of FDG; Zealandia Capital, Inc. ("ZCap"); Patton Hospitality Management, LLC ("Patton"); and Festiva Resorts Adventure Club Members' Association, Inc. (the "Association") in this action.

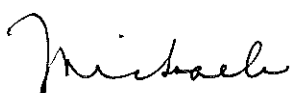
3. Attachment on trustee process against certain funds in the amount of \$100,000 (the "Escrow Funds") which FDG has delivered to Attorney David S. Bischoff (the "Escrow Agent") is hereby approved. The Escrow Funds shall be held pursuant to the Escrow Agreement among FDG, the State and the Escrow Agent, as security for any future judgment the State may obtain against any of FDG; ZCap; Patton; and the Association in this action. The Escrow Funds may only be released upon order of this Court, or other court of competent jurisdiction in the event this Court does not have jurisdiction.

4. No other attachments pursuant to this order may be made against any other real or personal property, except as provided herein.

5. The State's Motion for Preliminary Injunctive Relief, dated July 25, 2014, and its Motion to Unseal Documents, dated July 31, 2014, are withdrawn from the docket without prejudice.

6. This Order is incorporated into the docket by reference at the specific direction of the Court.

Dated: 10/3/14

  
M. Michaela Murphy  
Justice, Business and Consumer Court

Entered on the Docket: 10.6.14  
Copies sent via Mail Electronically ✓

### **Exhibit A**

A certain lot or parcel of land, situated on the southerly side of Cottage Avenue, so-called, in the Town of **Rangely**, County of Franklin, and State of Maine, which was conveyed by Dan Frank Case to Festiva Development Group, LLC, by Warranty Deed dated March 27, 2013, and recorded in the Franklin County Registry of Deeds at Book 3537, Page 167, and being more particularly bounded and described as follows, to wit:

Beginning at a 2" iron pipe, on the southerly right-of-way of Cottage Avenue, at the northwesterly corner of land now or formerly of Raymond Belisle (Book 380, Page 342), said point of beginning being generally westerly along the said southerly right-of-way of Cottage Avenue, a distance of one thousand fifty (1050) feet, more or less, from the westerly right-of-way of State Route 4;

Thence, South 06° 58' 24" West, along said land now or formerly of Raymond Belisle, a distance of two hundred seventy-four and nine hundredths (274.09) feet, to a 1" iron pipe found at the southwesterly corner of said land now or formerly of Raymond Belisle and the northerly side of land now or formerly of American Pension Services, Inc. (Book 2839, Page 209)(Plan File P-3312);

Thence, South 78° 28' 34" West, along said land now or formerly of American Pension Services, Inc. and a wire mesh fence, a distance of one hundred thirty-six and sixty-eight hundredths (136.68) feet, to a 1/2" iron pipe;

Thence, South 79° 15' 35" West, along said land now or formerly of American Pension Services, Inc. and said wire mesh fence, a distance of ninety-nine and four tenths (99.40) feet, to a point;

Thence, South 77° 36' 35" West, along said land now or formerly of American Pension Services, Inc. and said wire mesh fence, a distance of ninety-nine and sixty-seven hundredths (99.67) feet, to a 1/2" iron pipe;

Thence, South 82° 38' 43" West, along said land now or formerly of American Pension Services, Inc. and said wire mesh fence, a distance of one hundred ninety-nine and ninety-nine hundredths (199.99) feet, to a 1/2" iron pipe;

Thence, South 81° 21' 50" West, along said land now or formerly of American Pension Services, Inc. and a wire mesh fence, a distance of ninety-nine and ninety-five hundredths (99.95) feet, to a 1/2" rebar, capped "PLS 2275", at the southeasterly corner of land now or formerly of Virginia Spiller (Book 2540, Page 4);

Thence, North 05° 25' 06" West, along said land now or formerly of Virginia Spiller, a distance of three hundred fourteen and fifty-six hundredths (314.56) feet, to a 5/8" rebar, capped "PLS 2434", on the southerly right-of-way of the said Cottage Avenue and the northeasterly corner of said land now or formerly of Virginia Spiller;

Thence, North 84° 28' 06" East, along the said southerly right-of-way of Cottage Avenue, a distance

of six hundred ninety-two and thirty-one hundredths (692.31) feet, to the point of beginning.

The above described parcel of land contains 4.48 acres, more or less. All bearings are referenced to Maine State Grid, West Zone, NAD 83.

All book and pages and plan files refer to the Franklin County Registry of Deeds.

Meaning and intending to convey a portion, and only a portion, of land conveyed to Dan Frank Case from the Estate of Ruth Haley Case, by a deed dated October 23, 2001 and recorded in the Franklin County registry of Deeds in Book 2092, Page 78, being all the land described as parcel three.

The above description is based on a Plan entitled "Standard Boundary Survey and Subdivision For Rangeley Lake Resort Cabins Town of Rangeley – County of Franklin – State of Maine Owner of record Dan Frank Case", dated October 31, 2012, surveyed by Main-Land Development Consultants Inc., recorded in said Registry as Plan #5622.